

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LARRY NEELY,

Petitioner,

CASE NO. 2:07-cv-303

JUDGE FROST

MAGISTRATE JUDGE ABEL

v.

**ERNIE MOORE, Warden, Lebanon
Correctional Institution,**

Respondent.

OPINION AND ORDER

On April 12, 2007, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be transferred to the United States District Court for the Southern District of Ohio, Western Division, at Dayton. Although the Magistrate Judge specifically advised the parties of their right to object to the *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The Court **ADOPTS** and **AFFIRMS** the *Report and Recommendation*. The Court hereby **TRANSFERS** this action to the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

IT IS SO ORDERED.

/s/ Gregory L. Frost

GREGORY L. FROST

United States District Judge